

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF NEW
JERSEY CAMDEN VICINAGE

CHRISTOPHER MCSHEA,

Plaintiff,

v.

JJLH OF TREVOSE, LLC, d/b/a
FAULKNER VOLVO,

Defendant.

Civil No. 20-10090 (RMB/KMW)

ORDER TO SHOW CAUSE

This matter comes before the Court upon the filing of this employment discrimination suit. Upon review of the Complaint, it appears that the Eastern District of Pennsylvania may be a more appropriate venue for this case.

In analyzing whether a case should be transferred pursuant to 28 U.S.C. § 1404(a), the Court considers a non-exhaustive list of private and public factors. The private factors include "plaintiff's forum preference as manifested in the original choice; the defendant's preference; whether the claim arose elsewhere; the convenience of the parties as indicated by their relative physical and financial condition; the convenience of the witnesses-- but only to the extent that the witnesses may actually be unavailable for trial in one of the fora; and the location of books and records (similarly limited to the extent that the files could not be produced in the

alternative forum)." Jumara v. State Farm Ins. Co., 55 F.3d 873, 879 (3d Cir. 1995) (internal citations omitted).

"The public interests have included: the enforceability of the judgment; practical considerations that could make the trial easy, expeditious, or inexpensive; the relative administrative difficulty in the two fora resulting from court congestion; the local interest in deciding local controversies at home; the public policies of the fora; and the familiarity of the trial judge with the applicable state law in diversity cases." Jumara, 55 F.3d at 879-80.

Many of these factors appear to favor transferring this suit to the Eastern District of Pennsylvania. The cause of action arose in Pennsylvania (where Plaintiff worked), Defendant is allegedly headquartered in Pennsylvania, and Plaintiff asserts claims under federal and Pennsylvania law, not New Jersey law. This Court is also experiencing great congestion due to multiple judicial vacancies that have persisted for several years.

On the other hand, the only factor which appears at this time to weigh against transfer is Plaintiff's choice of this forum.

THEREFORE, IT IS on this 7th day of August 2020,
hereby:

ORDERED that Plaintiff shall show cause, by written

submission filed on the docket within 14 days of the date of this Order, why this case should not be transferred to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1404(a). Failure to timely respond to this Order may result in the transfer of this case.

s/ Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE